

**JUDGE RAMOS**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**13 CIV 385**

Harlan Pruger,

Plaintiff,

v.

Greenlight Energy Inc.,

Defendant.

Civil Action No.: \_\_\_\_\_

**COMPLAINT**

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S.D. OF N.Y.

For this Complaint, the Plaintiff, Harlan Pruger, by undersigned counsel, states as follows:

**JURISDICTION**

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
2. This Court has original jurisdiction over Plaintiff's TCPA claims. Mims v. Arrow Fin. Serv., LLC, 132 S.Ct. 740 (2012).
3. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367.
4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business here and a substantial portion of the acts giving rise to this action occurred here.

**PARTIES**

5. Plaintiff, Harlan Pruger ("Plaintiff"), is an adult individual residing in White Plains, New York.
6. Defendant Greenlight Energy Inc. ("Greenlight"), is a New York business entity with an address of 2608 25th Road, Astoria, New York 11102.

**FACTS**

7. Within the past month, Defendant contacted Plaintiff using an automated telephone dialer system (hereafter “Robocalls”) in an attempt to sell energy services to Plaintiff.

8. During initial communication with Defendant and every communication thereafter, Plaintiff informed Defendant that he was not interested in switching to a different energy plan and requested that Defendant quit calling.

9. Despite the foregoing, Defendant continued to place daily Robocalls to Plaintiff.

10. Plaintiff never provided his residential phone number to Defendant.

11. Plaintiff never provided any express consent to Defendant to be called at his residential phone line.

12. However, Defendant continued to place Robocalls to Plaintiff, totaling approximately 15 such calls altogether.

**A. Plaintiff Suffered Actual Damages**

13. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendant’s unlawful conduct.

**COUNT I**  
**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –**  
**47 U.S.C. § 227, et seq.**

14. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

15. Without prior consent the Defendant made telephone calls to the Plaintiff’s residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the Plaintiff in violation of 47 U.S.C. § 227(b)(1)(B).

16. The foregoing acts and omissions of the Defendant’s violations of the Telephone

Consumer Protection Act, including the above-cited provision.

17. The Plaintiff is entitled to damages as a result of the Defendant's violations.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff respectfully prays that judgment be awarded in his favor and against the Defendant as follows:

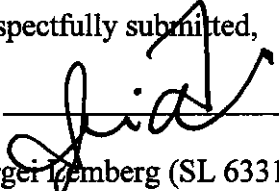
1. Statutory damages for each violation, pursuant to 47 U.S.C. § 227(b)(3)(B) & (C);
2. Attorney's costs and fees; and
3. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: January 10, 2013

Respectfully submitted,

By

  
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